

(1) To ensure that the VR services and costs meet the requirements for payment under this subpart;

(2) To assess the validity of our documentation requirements; and

(3) To assess the need for additional validation reviews or additional documentation requirements for any State VR agency or alternate participant to ensure compliance with the requirements under this subpart.

(c) *Determinations.* In any validation review, we will determine whether the VR services and costs meet the requirements for payment and determine the amount of payment. We will notify in writing the State VR agency or alternate participant of our determination. If we find in any postpayment validation review that more or less than the correct amount of payment was made for a claim, we will determine that an overpayment or underpayment has occurred and will notify the State VR agency or alternate participant that we will make the appropriate adjustment.

(d) *Appeals.* If the State VR agency or alternate participant disagrees with our determination under this section, it may appeal that determination in accordance with § 404.2127. For purposes of this section, an appeal must be filed within 60 days after receiving the notice of our determination.

[59 FR 11916, Mar. 15, 1994]

§ 404.2122 Confidentiality of information and records.

The State or alternate participant shall comply with the provisions for confidentiality of information, including the security of systems, and records requirements described in 20 CFR part 401 and pertinent written guidelines (see § 404.2123).

§ 404.2123 Other Federal laws and regulations.

Each State VR agency and alternate participant shall comply with the provisions of other Federal laws and regulations that directly affect its responsibilities in carrying out the vocational rehabilitation function.

§ 404.2127 Resolution of disputes.

(a) *Disputes on the amount to be paid.* The appropriate SSA official will no-

tify the State VR agency or alternative participant in writing of his or her determination concerning the amount to be paid. If the State VR agency (see § 404.2118(b) for alternate participants) disagrees with that determination, the State VR agency may request reconsideration in writing within 60 days after receiving the notice of determination. The Commissioner will make a determination and notify the State VR agency of that decision in writing, usually no later than 45 days from the date of the State VR agency's appeal. The decision by the Commissioner will be final and conclusive upon the State VR agency unless the State VR agency appeals that decision in writing in accordance with 45 CFR part 16 to the Department of Health and Human Services' Departmental Appeals Board within 30 days after receiving the Commissioner's decision.

(b) *Disputes on whether there was a continuous period of SGA and whether VR services contributed to a continuous period of SGA.* The rules in paragraph (a) of this section will apply, except that the Commissioner's decision will be final and conclusive. There is no right of appeal to the Departmental Appeals Board.

(c) *Disputes on determinations made by the Commissioner which affect a disability beneficiary's rights to benefits.* Determinations made by the Commissioner which affect an individual's right to benefits (e.g., determinations that disability benefits should be terminated, denied, suspended, continued or begun at a different date than alleged) cannot be appealed by a State VR agency or alternate participant. Because these determinations are an integral part of the disability benefits claims process, they can only be appealed by the beneficiary or applicant whose rights are affected or by his or her authorized representative. However, if an appeal of an unfavorable determination is made by the individual and is successful, the new determination would also apply for purposes of this subpart. While a VR agency or alternate participant cannot appeal a determination made by the Commissioner which affects a beneficiary's or applicant's rights, the VR agency can furnish any evidence it may

have which would support a revision of a determination.

[48 FR 6293, Feb. 10, 1983, as amended at 55 FR 8456, Mar. 8, 1990; 62 FR 38452, July 18, 1997]

PART 405—ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS

Subpart A—Introduction, General Description, and Definitions

Sec.

405.1 Introduction.

405.5 Definitions.

405.10 Medical and Vocational Expert System.

405.20 Good cause for extending deadlines.

405.25 Disqualification of disability adjudicators.

405.30 Discrimination complaints.

APPENDIX TO SUBPART A OF PART 405—CLAIMS THAT WILL BE HANDLED UNDER THE PROCEDURES IN THIS PART

Subpart B—Initial Determinations

405.101 Disability determinations.

405.105 [Reserved]

405.110 [Reserved]

405.115 Notice of the initial determination.

405.120 Effect of an initial determination.

Subpart C—Review of Initial Determinations by a Federal Reviewing Official

405.201 Reviewing an initial determination—general.

405.210 How to request review of an initial determination.

405.215 Procedures before a Federal reviewing official.

405.217 Subpoenas.

405.220 Decision by the Federal reviewing official.

405.225 Notice of the Federal reviewing official's decision.

405.230 Effect of the Federal reviewing official's decision.

405.240 Sunset of this subpart.

Subpart D—Administrative Law Judge Hearing

405.301 Hearing before an administrative law judge—general.

405.305 Availability of a hearing before an administrative law judge.

405.310 How to request a hearing before an administrative law judge.

405.315 Time and place for a hearing before an administrative law judge.

405.316 Notice of a hearing before an administrative law judge.

405.317 Objections.

405.320 Administrative law judge hearing procedures—general.

405.325 Issues before an administrative law judge.

405.330 Prehearing conferences.

405.331 Submitting evidence to an administrative law judge.

405.332 Subpoenas.

405.333 Submitting documents.

405.334 Prehearing statements.

405.340 Deciding a claim without a hearing before an administrative law judge.

405.350 Presenting evidence at a hearing before an administrative law judge.

405.351 Closing statements.

405.360 Official record.

405.365 Consolidated hearing before an administrative law judge.

405.366 Posthearing conferences.

405.370 Decision by the administrative law judge.

405.371 Notice of the decision of an administrative law judge.

405.372 Finality of an administrative law judge's decision.

405.373 Requesting consideration of new evidence.

405.380 Dismissal of a request for a hearing before an administrative law judge.

405.381 Notice of dismissal of a request for a hearing before an administrative law judge.

405.382 Vacating a dismissal of a request for a hearing before an administrative law judge.

405.383 Effect of dismissal of a request for a hearing before an administrative law judge.

Subpart E—Decision Review Board

405.401 Procedures before the Decision Review Board—general.

405.405 Decision Review Board.

405.410 Selecting claims for Decision Review Board review.

405.415 Notification by the Decision Review Board.

405.420 Effect of Decision Review Board action on the right to seek judicial review.

405.425 Procedures before the Decision Review Board.

405.427 Procedures before the Decision Review Board in claims dismissed by an administrative law judge.

405.430 Record before the Decision Review Board.

405.440 Actions that the Decision Review Board may take.

405.445 Notification of the Decision Review Board's action.

405.450 Effect of the Decision Review Board's action.